

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2851**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Masahiro GOTO

Group Art Unit: 2851

Application No.: 10/516,497

Examiner: R. DO

Filed: December 1, 2004

Docket No.: 123767

For: OPTICAL MEMBER AND PROCESS OF PRODUCING THE SAME

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 4, 2007 Office Action, the period for reply being extended by the attached Petition for Extension of Time, reconsideration of the rejections is respectfully requested.

Claims 1 and 6-19 are pending in this application. The Office Action, on page 2, rejects claims 1, 6-9, 18 and 19 under 35 U.S.C. §103(a) over U.S. Patent No. 3,718,078 to Plummer in view of U.S. Patent No. 5,410,006 to Tachibana et al. (hereinafter "Tachibana"), JP-A-2002-169225 to Ono, and U.S. Patent No. 5,005,945 to van de Ven. This rejection is respectfully traversed.

Independent claims 1, 18 and 19 recite, among other features, wherein the concavities have a mean depth of 0.05 μm or more and 0.5 μm or less, and a mean distance between

neighboring two of the concavities is not more than 0.5 μm . The combination of applied references cannot reasonably be considered to have suggested these features.

The Office Action concedes that Plummer as modified by Tachibana does not suggest the above-recited features. The Office Action asserts that Ono remedies this shortfall. Specifically, the Office Action, on page 4, asserts that Ono, at paragraph [0010], line 6, teaches the feature wherein the concavities have a mean depth of 0.05 μm or more and 0.5 μm or less, and asserts that Ono at paragraph [0010], lines 4-6, teaches the feature a mean distance between neighboring two of the concavities is not more than 0.5 μm . These assertions are incorrect for the following reasons.

Ono, at paragraph [0010], lines 4-7, teaches an irregular concavo-convex front face that has a depth range of 0.05-0.2 μm . However, Ono fails to teach or suggest that this disclosed depth range is the mean depth range of the irregular concavo-convex front face. Thus, the Office Action's assertions that Ono teaches the feature wherein the concavities have a mean depth of 0.05 μm or more and 0.5 μm or less is unreasonable.

Furthermore, Ono teaches only that the distance between adjacent crevices of the concavo-convex front face is in the range of 0.2-0.7 μm . Because this includes values that exceed 0.5 μm , Ono cannot reasonably be considered to teach, or to have suggested, the feature a mean distance that is not more than 0.5 μm , as recited in claims 1, 18 and 19.

Moreover, it is to be noted that in Plummer, the surface is sprayed with droplets of a volatile solvent to form concavities. In this regard, Plummer uses a wet type method to form the concavities. In contrast, claims 1, 18 and 19 form concavities via a dry type method. For example, claim 1 recites that the optical member is formed by casting a molding resin upon a surface, on which a plurality of minute protrusions of particles in a shape that is a reverse of a shape of the plurality of minute concavities are deposited, of a mold and by curing the mold resin. Importantly, the wet type method used in Plummer requires various complex

processes. Consequently, it is difficult to accurately form small sized/even sized minute concavities such as those recited in claims 1, 18 and 19, e.g., concavities having a mean depth of 0.05 μm or more and 0.5 μm or less, and a mean distance between neighboring two of the concavities is not more than 0.5 μm .

It is also to be noted that Ono, like Plummer, forms a Fresnel lens sheet using the wet type method. For reasons similar to those discussed above, in Ono, it is also difficult to form small sized minute concavities such as those recited in claims 1, 18 and 19.

Accordingly, for at least the above reasons, the Office Action's reliance on Plummer and Ono for teaching the above-recited features is improper.

Tachibana and van de Ven fail to overcome the deficiencies of Plummer and Ono. That is, each of Tachibana and van de Ven fail to teach or suggest the feature wherein the concavities have a mean depth of 0.05 μm or more and 0.5 μm or less, and a mean distance between neighboring two of the concavities is not more than 0.5 μm .

For at least the above reasons, the combinations of applied references cannot reasonably be considered to have suggested the combination of all of the features positively recited in claims 1, 18 and 19. Further, claims 6-9 also would not have been suggested by the combinations of applied references for at least the respective dependence of these claims directly or indirectly on claim 1, as well as for the additional features each of these claims recites. Accordingly, reconsideration of the rejection is respectfully requested.


Rejoinder of claims 10-17 is respectfully requested. National stage applications filed under 35 U.S.C. §371 are subject to unity of invention practice as set forth in PCT Rule 13, and are not subject to the rules of U.S. Restriction/Election of Species practice. See MPEP §1893.03(d). In this regard, the April 6, 2007 Office Action applies the wrong standard in determining whether the Restriction Requirement is proper. For example, the Office Action, on page 2, asserts that the arguments are not found persuasive because a search for

concavities on a screen does not encompass a search for protrusions on a screen and that searching for the concavities would be a burden that would require additional searching in different areas. Applicant submits that for the reasons argued in the December 29, 2006 Amendment, the Restriction Requirement is improper because the Office Action has not properly demonstrated an absence of unity of invention under the rules. Withdrawal of the Restriction Requirement is respectfully requested. Further, allowance of claims 10-17 is respectfully requested because the Office Action fails to identify any reference that teaches the combination of all of the features positively recited in independent claim 10.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:TSS/hms

Attachment:
Petition for Extension of Time

Date: January 4, 2008

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